



Federal Communications Commission
Washington, D.C. 20554

November 9, 2007

DA 07-4543

Released: November 9, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

WFAA-TV, L.P.
WFAA-TV
400 South Record Street
Dallas, TX 75202

Re: WFAA-TV, L.P.
WFAA-TV, Dallas, TX
Facility ID No. 72054
File No. BRCT-20060403BLL

Dear Licensee:

This refers to your license renewal application for station WFAA-TV, Dallas, TX.

Under the Commission's rules implementing the Children's Television Act of 1990 (CTA),¹ each television broadcast station licensee has an obligation, during its license term, to air programming that serves the educational and informational needs of children through both the licensee's overall programming and programming "specifically designed" to educate and inform children (core programming).² The Commission's rules require commercial licensees to provide information to the public about the shows they air to fulfill their obligation. Subsection 73.3526(e)(11)(iii) of the Commission's Rules (Rules) requires each commercial television broadcast station to prepare and place in its public inspection file a Children's Television Programming Report (FCC Form 398) for each calendar quarter reflecting, *inter alia*, the efforts it has made during the quarter to serve the educational needs of children.³ As set forth in Subsection 73.3526(e)(11)(iii), licensees are also required to file the reports with the Commission and to publicize for the public the existence and location of the reports.

Moreover, in the CTA, Congress directed the Commission to adopt rules, *inter alia*, limiting the number of minutes of commercial matter that television stations may air during children's programming, and to consider in its review of television license renewals the extent to which the licensee has complied with such commercial limits. Pursuant to this statutory mandate, the

¹ Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. Sections 303a, 303b and 394.

² 47 C.F.R. § 73.671.

³ 47 C.F.R. § 73.3526(e)(11)(iii).

Commission adopted Section 73.670 of the Rules which limits the amount of commercial matter which may be aired during children's programming to 10.5 minutes per hour on weekends and 12 minutes per hour on weekdays.⁴

On April 3, 2006, you filed the above-referenced license renewal application for station WFAA-TV. In Exhibit 24, you reported that it had been the licensee's practice to publicize the existence and location of its Children's Television Programming Reports through periodic on-air announcements. You indicated, however, that due to a traffic system error in 2002, the contract providing for the scheduling of such announcements was mistakenly discontinued. You stated that no announcements regarding the existence and location of the Children's Television Programming Reports were broadcast between January 2002 and June 2003. You maintained that this error was discovered in June 2003, and that station WFAA-TV promptly took steps to resume airing regular announcements publicizing the existence and location of the Children's Television Programming Reports.

In response to Section IV, Question 5 of the license renewal application, you stated that, during the previous license term, station WFAA-TV failed to comply with the limits on commercial matter in children's programming specified in Section 73.670 of the Rules. In Exhibit 19, you indicated that the station WFAA-TV exceeded the children's television commercial limits on seven occasions during the license term. Of those overages, one was six-seconds in duration, one was 15-seconds in duration, one was 16-seconds in duration, one was 26-seconds in duration, two were 30-seconds in duration, and one was 45-seconds in duration. Based on your descriptions, the violations appear to have resulted from human error and inadvertence.

Although we do not rule out more severe sanctions for violations of this nature in the future, we have determined that an admonition is appropriate at this time. Therefore, based upon the facts and circumstances before us, we ADMONISH you for the admitted violations of Sections 73.3526(e)(11)(iii) and 73.670 of the Rules described in station WFAA-TV's renewal application.

⁴ *Children's Television Programming*, 6 FCC Rcd 2111, 2118, *recon. granted in part*, 6 FCC Rcd 5093, 5098 (1991).

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested to WFAA-TV, L.P. at the address listed above, and to its counsel, Kathleen Kirby, Esquire, Wiley Rein & Fielding LLP, 1776 K Street, N.W., Washington, D.C. 20006.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau